

REMARKS

At the time of the Second Office Action dated November 19, 2007, claims 1-9 were pending and rejected in this application.

CLAIMS 1 AND 8-9 ARE REJECTED UNDER 35 U.S.C. § 102 FOR ANTICIPATION BASED UPON VILAGHY ET AL., "E-BUSINESS COOKBOOK FOR z/OS VOLUME I, TECHNOLOGY INTRODUCTION" (HEREINAFTER VILAGHY)

On pages 3-6 of the Second Office Action, the Examiner asserted that Vilaghy discloses the invention corresponding to that claimed. This rejection is respectfully traversed.

At the outset, Applicants note that although the Examiner rejected the claims under 35 U.S.C. § 102, the Examiner also referred to CICS Internet Guide on page 5 of the Second Office Action. However, this reference does not appear to be referenced in any other portion of the Second Office Action or in Form PTO-892, which accompanied the Second Office Action. Moreover, Applicants have been unable to find this apparent reference in PAIR. Therefore, Applicants respectfully submit that the Examiner has either (i) improperly relied upon two reference in a rejection under 35 U.S.C. § 102 or (ii) failed to properly state an obviousness rejection under 35 U.S.C. § 103 and make the CICS Internet Guide reference of record and available for Applicants' review.

Moreover, despite the Examiner continuing to allege that Vilaghy discloses certain portions of the claimed limitations, the Examiner has not addressed the issues raised by

Applicants on pages 2-6 of the Response filed August 29, 2007 (hereinafter the Response), as to Vilaghy. On page 17 of the Second Office Action in the section entitled "Response to Arguments," the Examiner asserted that "Applicant's arguments filed August 29, 2007 with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection." Applicants, however, respectfully submit that the Examiner has improperly dismissed Applicants' prior arguments. M.P.E.P. § 707.07(f) states that even if the arguments are moot in view of the new ground(s) of rejection, the "examiner must, however, address any arguments presented by the applicant which are still relevant to any references being applied" (emphasis added). Therefore, the Examiner is required to address Applicants' previously presented arguments.

So as to greatly aid in Applicants consideration of the Examiner's cited references, Applicants respectfully request that the Examiner specifically identify, within each reference cited by the Examiner, each feature being relied upon in the Examiner's analysis to allegedly teach the following claimed limitations: (i) control program, (ii) terminal, (iii) HTTP server program, (iv) terminal request processor, (v) control request processor, (vi) a notification that a first command has been received, (vii) returning the first command to the HTTP server program, and (viii) returning the command to the terminal in the HTTP response.

Since, by the Examiner's own admission on page 4 of the Second Office Action that Vilaghy fails to teach all of the claimed limitations, Applicants respectfully submit that the Examiner has failed to establish that Vilaghy identically discloses the claimed invention, as recited in claims 1 and 8-9, within the meaning of 35 U.S.C. § 102. Applicants, therefore,

respectfully solicit withdrawal of the imposed rejection of claims 1 and 8-9 under 35 U.S.C. § 102 for anticipation based upon Vilaghy.

**CLAIM 2 IS REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON VILAGHY
IN VIEW OF HOFFMAN, U.S. PATENT NO. 6,728,769**

On pages 6-8 of the Second Office Action, the Examiner asserted that one having ordinary skill in the art would have been motivated to modify Vilaghy in view of Hoffman to arrive at the invention corresponding to that claimed. This rejection is respectfully traversed.

Claim 2 depends ultimately from independent claim 1, and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 102 for anticipation based upon Vilaghy. The Examiner's secondary reference to Hoffman does not cure the argued deficiencies of Vilaghy. Thus, even if the applied prior art were combined in the manner suggested by the Examiner, the claimed invention would not result. Applicants, therefore, respectfully submit that the imposed rejection of claim 2 under 35 U.S.C. § 103 for obviousness based upon Vilaghy in view of Hoffman is not viable and, hence, solicit withdrawal thereof.

**CLAIMS 3 AND 4 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON
VILAGHY IN VIEW OF CHAKRABORTY ET AL., U.S. PATENT PUBLICATION NO. 2004/0107282
(HERIENAFTER CHAKRABORTY)**

On pages 8-10 of the Second Office Action, the Examiner asserted that one having ordinary skill in the art would have been motivated to modify Vilaghy in view of Chakraborty to arrive at the invention corresponding to that claimed. This rejection is respectfully traversed.

Claims 3 and 4 depend ultimately from independent claim 1, and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 102 for anticipation based upon Vilaghy. The Examiner's secondary reference to Chakraborty does not cure the argued deficiencies of Vilaghy. Thus, even if the applied prior art were combined in the manner suggested by the Examiner, the claimed invention would not result. Applicants, therefore, respectfully submit that the imposed rejection of claims 3 and 4 under 35 U.S.C. § 103 for obviousness based upon Vilaghy in view of Chakraborty is not viable and, hence, solicit withdrawal thereof.

**CLAIM 5 IS REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON VILAGHY
IN VIEW OF DEVINE ET AL., U.S. PATENT NO. 6,598,167 (HEREINAFTER DEVINE)**

On pages 10-12 of the Second Office Action, the Examiner asserted that one having ordinary skill in the art would have been motivated to modify Vilaghy in view of Devine to arrive at the invention corresponding to that claimed. This rejection is respectfully traversed.

Claim 5 depends ultimately from independent claim 1, and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 102 for anticipation based upon Vilaghy. The Examiner's secondary reference to Devine does not cure the argued deficiencies of Vilaghy. Thus, even if the applied prior art were combined in the manner suggested by the Examiner, the claimed invention would not result. Applicants, therefore, respectfully submit that the imposed rejection of claim 5 under 35 U.S.C. § 103 for obviousness based upon Vilaghy in view of Devine is not viable and, hence, solicit withdrawal thereof.

**CLAIM 6 IS REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON VILAGHY
IN VIEW OF PERLMAN ET AL., U.S. PATENT NO. 6,510,523 (HERINAFTER PERLMAN)**

On pages 12-14 of the Second Office Action, the Examiner asserted that one having ordinary skill in the art would have been motivated to modify Vilaghy in view of Perlman to arrive at the invention corresponding to that claimed. This rejection is respectfully traversed.

Claim 6 depends ultimately from independent claim 1, and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 102 for anticipation based upon Vilaghy. The Examiner's secondary reference to Perlman does not cure the argued deficiencies of Vilaghy. Thus, even if the applied prior art were combined in the manner suggested by the Examiner, the claimed invention would not result. Applicants, therefore, respectfully submit that the imposed rejection of claim 6 under 35 U.S.C. § 103 for obviousness based upon Vilaghy in view of Perlman is not viable and, hence, solicit withdrawal thereof.

**CLAIM 7 IS REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON VILAGHY
IN VIEW OF KANEMAKI ET AL., U.S. PATENT PUBLICATION NO. 2002/0138761 (HERINAFTER
KANEMAKI)**

On pages 14-17 of the Second Office Action, the Examiner asserted that one having ordinary skill in the art would have been motivated to modify Vilaghy in view of Kanemaki to arrive at the invention corresponding to that claimed. This rejection is respectfully traversed.

Claim 7 depends ultimately from independent claim 1, and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 102 for anticipation based upon Vilaghy. The Examiner's secondary reference to Kanemaki does not cure the argued deficiencies of Vilaghy. Thus, even if the applied prior art were combined in the manner suggested by the Examiner, the claimed invention would not result. Applicants, therefore, respectfully submit that the imposed rejection of claim 7 under 35 U.S.C. § 103 for obviousness based upon Vilaghy in view of Kanemaki is not viable and, hence, solicit withdrawal thereof.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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Respectfully submitted,

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